

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James David Nanney,)	C/A No. 3:08-1838-HFF-JRM
)	
)	
Plaintiff,)	
)	
vs.)	Report and Recommendation
)	
)	
Bank of America Bank, Columbia SC,)	
)	
)	
Defendant.)	

Background of this Case

The plaintiff currently resides in Forest City, North Carolina. The defendant is a banking corporation, which is incorporated in Delaware and has its principal place of business in North Carolina.

In an order filed in this case on May 20, 2008, the undersigned directed the plaintiff to submit a Form USM-285 and Answers to Special Interrogatories. The Special Interrogatories to be answered by the plaintiff requested information on the State where the plaintiff resides, whether the plaintiff has an account with the defendant, and explanations of unusual abbreviations and acronyms in the complaint. The plaintiff has not responded to the order of May 20, 2008.

Copies of the order of May 20, 2008, and the “proper form” documents were mailed to the plaintiff on May 21, 2008. The deadline for the plaintiff to comply with the order of May 20, 2008, expired on June 20, 2008. No response to the order of May 20, 2008, has been received from the plaintiff.

Recommendation

Accordingly, it is recommended that the District Court dismiss the above-captioned case *without prejudice* and without issuance and service of process because the plaintiff has not responded to the “twenty-day” order of May 20, 2008. *See In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, Misc. No. 3:07-MC-5015-JFA (D.S.C. Sept. 18, 2007). The plaintiff’s attention is directed to the important Notice on the next page.

June 30, 2008
Columbia, South Carolina

s/Joseph R. McCrorey
United States Magistrate Judge

Notice of Right to File Objections to Report and Recommendation

The plaintiff is advised that he may file specific written objections to this Report and Recommendation with the District Court Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** In the absence of a timely filed objection, a district court judge need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

**Larry W. Propes, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201**

Failure to timely file specific written objections to this Report and Recommendation will result in a waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); and *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).